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7 UNITED STATES OF AMERICA,
8 Plaintiff,
9 v.
10 RICHARD THOMAS GRANT,
11 Defendant.

12 Case No. 14-cr-00590-PJH-1
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**ORDER DENYING DEFENDANT'S
APPLICATION TO FILE TRIAL BRIEF
EX PARTE AND UNDER SEAL**

15 Doc. no. 89
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Before the court is the application of defendant Richard Thomas Grant to file his trial brief ex parte and under seal, which was initially filed as a motion to file under seal. The government opposes the application. The court has reviewed defendant's proposed ex parte trial brief and denies leave to file the trial brief ex parte and under seal. Defendant's ex parte trial brief discusses his defense theories, but does not seek any particular relief or a legal ruling by the court. Defendant does not present evidence or argument in the ex parte trial brief in support of his motions in limine, and he indicates that he will provide evidence and briefing in opposition to the government's motions in limine and that those arguments will not be raised in the ex parte brief. Defendant offers no cause to inform the court of his defense theories in advance of trial and the court finds no compelling reason to file the trial brief ex parte and under seal. *Cf. U.S. v. Gurolla*, 333 F.3d 944, 952 (9th Cir. 2003) (denying government's motion to furnish copy of the defendant's sealed, ex parte declarations explaining the factual basis for his entrapment defense and the sealed district court order finding that the defendant did not make a *prima facie* showing of entrapment). Defendant's application to file his trial brief ex parte

1 and under seal is DENIED. Doc. no. 89. Defense counsel must make arrangements with
2 the courtroom deputy to retrieve the copies of the trial brief lodged with the court.

3 **IT IS SO ORDERED.**

4 Dated: May 16, 2016



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6 PHYLLIS J. HAMILTON
United States District Judge

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United States District Court
Northern District of California